

UNEDITED

# *The Stray Animals Act*

*being*

Chapter 124 of *The Revised Statutes of Saskatchewan, 1920*  
(assented to November 10, 1920).

FOR HISTORICAL REFERENCE ONLY

## **NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

## Table of Contents

	SHORT TITLE		PAYMENT OF CHARGES ON IMPOUNDED ANIMALS
1	Short title	23	Charges payable to poundkeeper
	INTERPRETATION	24	Poundkeeper detains all animals impounded
2	Interpretation	25	Declaration of owner before delivery
	ANIMALS RUNNING AT LARGE		NOTICE OF IMPOUNDING
3	Animals may run at large	26	Notice given by poundkeeper
		27	Notice where owner unknown
		28	Notices posted at pound
	PART I		SALE OF IMPOUNDED ANIMALS
	<b>Affecting Rural Municipalities</b>	29	When animal may be sold
4	Grazing on unfenced lands	30	When animal may not be sold
5	Referendum of electors	31	Poundkeeper need not be licensed as auctioneer
6	Power of municipality to alter period		PROCEEDS OF SALE
7	Bylaw of owner's residence to govern	32	Disposal of proceeds of sale
8	Animals may run at large adjoining municipality	33	Owner claims net proceeds
9	Situation of pounds and appointment of poundkeepers		COMPLAINTS OF OWNER
10	Responsibility of municipality for poundkeepers	34	Action taken by owner
		35	Hearings of complaints
	PART II		OFFENCES AND PENALTIES
	<b>Affecting Unorganised Areas</b>	36	Offences
	CREATING HERD DISTRICTS	37	Burden of proof on poundkeeper
11	Creating herd districts	38	Offences
12	Extension of herding period		FEEs
13	Poundkeepers appointed	39	Authorised fees
14	Effect of publication of notice		
	PART III		PART V
	<b>The Distraining and Impounding of Animals</b>		<b>Disposal of Other Estray Animals</b>
15	When animals may be distrained	40	Application of Part V
16	Temporary impounding		PROCEDURE
17	When distrainer shall impound and how	41	Where owner is known
18	Animal may be released before impounding	42	Where owner is not known or does not remove animal
19	Animal placed in authorised pound	43	Owner may recover animal on tender of expenses
		44	Settlement of disputes as to expenses
	PART IV	45	When animal may be sold
	<b>Pounds and Poundkeepers</b>	46	Payment of proceeds
	DUTIES OF POUNDKEEPERS	47	Finder attends sale with animal
20	Pound book		FEEs
21	Case of pounds	48	Authorised fees
22	Returns		

OFFENCES AND PENALTIES	
49	Penalty offences

---

PART VI	
Lawful Fences and Trespass	
50	Lawful fence defined
51	Fences around crops
52	Fences around stacks
53	Owner to compensate proprietor
54	Absence of lawful fence

PART VII	
GENERAL	
STALLIONS AND BULLS	
55	When stallion or bull is estray
INFECTED HERDS	
56	Blackleg
57	Lumpjaw



## CHAPTER 124

### An Act respecting the Restraining of Animals Running at Large

#### SHORT TITLE

##### Short title

- 1 This Act may be cited as *The Stray Animals Act*.

1919-20, c.47, s.1; R.S.S. 1920, c.124, s.1.

#### INTERPRETATION

##### Interpretation

- 2 In this Act, unless the context otherwise requires the expression:

##### “Animal”

1. “**Animal**,” “**animals**” or “**head of stock**” means any head of cattle, horses, sheep, goats or swine;

##### “Council”

2. “**Council**” means the council of a rural municipality;

##### “Department”

3. “**Department**” means the Department of Agriculture;

##### “Distrainor”

4. “**Distrainor**” means a person seizing or distraining an estray or an animal unlawfully running at large;

##### “Estray”

5. “**Estray**” means an animal which while lawfully running at large has strayed from its accustomed forage ground or has joined a hand herd or flock other than that of its owner from which it cannot be driven away, or an animal which has broken into premises inclosed by a lawful fence;

##### “Finder”

6. “**Finder**” means a person who finds that he has an estray on his premises or in his band, herd or flock, or who seizes or confines any stallion or bull under this Act;

##### “Horse”

7. “**Horse**” includes ass or mule;

##### “Justice”

8. “**Justice**” means a justice of the peace;

##### “Minister”

9. “**Minister**” means the Minister of Agriculture;

##### “Municipality”

10. “**Municipality**” means a rural municipality established under the provisions of *The Rural Municipality Act*;

##### “Owner”

11. “**Owner**” means a person owning an animal or the representative of such person;

##### “Poundkeeper”

12. “**Poundkeeper**” means the person for the time being in the authorised charge of a pound;

**“Property”**

13. **“Property”** means any cultivated land or any crop or stack of grain or hay;

**“Proprietor”**

14. **“Proprietor”** means the owner of any cultivated land or crop or stack of grain or hay, or the person having a permit or license to cut hay, or a superintendent, overseer, tenant, servant, or other person acting for or on behalf of such owner or person;

**“Running at Large”**

15. **“Run at large”** or **“running at large”** means not being under control of the owner either by being securely tethered or in direct and continuous charge of a herder or confined within a building or other inclosure or a fence whether the same is lawful or not;

**“Secretary”**

16. **“Secretary”** means the secretary treasurer of a municipality;

**“Treasurer”**

17. **“Treasurer”** means the treasurer or the secretary treasurer of a municipality.

1919–20, c.47, s.2; R.S.S. 1920, c.124, s.2.

## ANIMALS RUNNING AT LARGE

**Animals may run at large**

**3** Subject to the provisions of this Act it shall be lawful to allow animals to run at large in Saskatchewan, except in large cities, towns and villages.

1919–20, c.47, s.3; R.S.S. 1920, c.124, s.3.

---

## PART I

### Affecting Rural Municipalities

**Grazing on unfenced lands**

**4(1)** The council of a municipality may determine by bylaw the maximum number of each kind of animal which an owner may graze in the municipality on unfenced lands not owned or leased by him.

**Restraining animals running at large**

**(2)** The council of a municipality may, subject to the provisions of this Act, define by bylaw the portion of such municipality and determine the period of the year in which animals shall be restrained from running at large.

(3) Such bylaw may be in the following form:

BYLAW NO. \_\_\_\_\_

A bylaw of The Rural Municipality of \_\_\_\_\_ No. \_\_\_\_\_ respecting the restraining of animals from running at large.

Under the authority and subject to the provisions of *The Stray Animals Act* the council of The Rural Municipality of \_\_\_\_\_ No. \_\_\_\_\_ enacts as follows:

1. Expressions used in this bylaw shall have the same meaning and interpretation as given to them by section 2 of *The Stray Animals Act*.
2. The following animals shall not be permitted to run at large within the areas herein described during the periods named respectively:
  - (a) horses and cattle other than stallions over one year old, bulls over eight months old (*here specify the area and period of prohibition, if any*);
  - (b) sheep (*here specify the area and period of prohibition, if any*);
  - (c) swine (*here specify the area and period of prohibition, if any*).
3. No animal owned by a nonresident unless he owns land in the municipality or resides adjacent thereto in an adjoining municipality in which animals are not restrained from running at large, shall be permitted to graze on unfenced lands whether in charge of a herder or not, and any such animal found so grazing shall be deemed to be unlawfully running at large.
4. A proprietor may distrain an animal unlawfully running at large or capture an estray animal and may dispose of the same as provided in *The Stray Animals Act*.

Read a first time this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Read a second time this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Read a third time and finally passed at \_\_\_\_\_ this day of \_\_\_\_\_ 19\_\_\_\_.

.....  
Reeve.

[SEAL]

.....  
Secretary treasurer.

(4) No such bylaw shall take effect until the fifteenth day after the passing thereof.

(5) A certified copy of each such bylaw shall be forwarded by the secretary treasurer to the department within fifteen days after the passing thereof.

1919-20, c.47, s.4; R.S.S. 1920, c.124, s.4.

#### Referendum of electors

5(1) The council of a municipality shall on petition of not less than forty resident ratepayers, submit to a referendum of the electors the bylaw mentioned in the form of petition under subsection (2) and the decision of the electors shall be binding upon the council.

(2) The petition shall be in the following form:

To the Rural Municipality of \_\_\_\_\_ No. \_\_\_\_\_.

The undersigned resident ratepayers of the Rural Municipality of \_\_\_\_\_ No. \_\_\_\_\_, being desirous that the bylaw of this municipality respecting the restraining of animals running at large, as provided by section 4 of *The Stray Animals Act*, be expressed in the terms of the accompanying draft, do hereby request that you will submit to a referendum of the electors a bylaw in such terms, as provided in section 5 of *The Stray Animals Act*.

(3) The proceedings shall be conducted in the same manner *mutatis mutandis* as is provided in *The Rural Municipality Act* for taking a poll of the electors for and against a bylaw authorising the issue of debentures, but the bylaw shall require the assent of a majority only of the electors voting thereon.

(4) In case the draft bylaw submitted by the petitioners defines part of the municipality only as being affected by the provisions the vote as provided in subsection (3) shall be taken only in that portion of the municipality intended by the petitioners to be affected.

1919–20, c.47, s.5; R.S.S. 1920, c.124, s.5.

#### **Power of municipality to alter period**

**6(1)** The council of a municipality in which animals are restrained at large shall have power by bylaw to extend or shorten such time by any period, not exceeding six weeks, during the months of September, October, November and December according to the progress that is being made with threshing operations, the condition of pastures, or for other like consideration.

(2) No such bylaw shall take effect until the fifteenth day after the passing thereof, and the secretary shall forthwith cause notice of such change to be posted in each post office in the municipality and also inserted once in a weekly newspaper, if any, published in the municipality.

1919–20, c.47, s.6; R.S.S. 1920, c.124, s.6.

#### **Bylaw of owner's residence to govern**

**7** An animal shall not be allowed to run at large in any municipality during the time such animal is by law restrained from running at large in the municipality in which the owner thereof resides; but if the owner is a ratepayer in an adjoining municipality and resides on land adjacent thereto, animals owned by him may, subject to any bylaw passed by the council of a municipality under authority of subsection (1) of section 4, run at large in such municipality during any period in which animals owned therein are permitted to run at large therein.

1919–20, c.47, s.7; R.S.S. 1920, c.124, s.7.

#### **Animals may run at large adjoining municipality**

**8** Animals owned in a municipality in which they are allowed by law to run at large may run at large in an adjoining municipality in which animals are permitted to run at large, but subject to any bylaw passed by the council of such adjoining municipality under the authority of subsection (1) of section 4.

1919–20, c.47, s.8; R.S.S. 1920, c.124, s.8.



**Situation of pounds and appointment of poundkeepers**

9(1) Every council shall by resolution determine the situation of such pounds, and appoint such poundkeepers, as may be necessary to provide reasonable facilities, in all parts keepem of the municipality, for the impounding of estrays and animals unlawfully running at large.

(2) Every poundkeeper so appointed shall hold office during the pleasure of the council.

(3) The secretary shall cause to be published early in each year in such local newspapers as largely circulate among the ratepayers a list of the pounds, giving the situation of each, and poundkeepers, for the then current year, and shall in like manner publish throughout the year any alterations or additions which may be made in respect thereto.

(4) A council shall not appoint as poundkeeper any person who is not in a position to discharge the duties imposed upon poundkeepers by section 21.

(5) A pound to serve a municipality may be situated in a village or town lying within the outer boundaries of such municipality.

1919-20, c.47, s.9; R.S.S. 1920, c.124, s.9.

**Responsibility of municipality for poundkeepers**

10 Every municipality shall be responsible for the acts and negligence of its poundkeepers, or their agents, in the performance of their duties, and shall be liable for all loss and damage resulting therefrom.

1919-20, c.47, s.10; R.S.S. 1920, c.124, s.10.

---

## PART II

**Affecting Unorganised Areas****CREATING HERD DISTRICTS****Creating herd districts**

11(1) The minister may, by order published in *The Saskatchewan Gazette*, declare that any area described in such order, not within the limits of a city, town, village or rural municipality shall constitute the herd district, and thereafter by order, published in like manner, may enlarge the herd district by adding thereto any township or townships adjoining it, or adjoining the limits of any municipality in which stock is restrained from running at large, or may, by order published as aforesaid, cancel the order or orders constituting such district or any part thereof.

(2) Before the addition or withdrawal of any township, the minister shall cause notice of intention to that effect to be published in *The Saskatchewan Gazette*, and posted in at least one post office in each township then in the post office nearest thereto, at least thirty days prior to the date at which such change is to take effect.

(3) Such notice shall be addressed to the postmaster at such post office inclosed in a registered cover, and the requirements of this Act respecting the posting of notices shall be held to be completed at the expiration of twenty-four hours after the first mail carrying such notice is scheduled to reach the post office to which the notice is directed.

(4) At any time within thirty days after such notice is posted objection may be made to the minister by any proprietor within such proposed district to its addition to or its withdrawal from the herd district.

(5) In the event of the majority of such proprietors so objecting the said addition or withdrawal shall not be made, otherwise the proposal may be carried through as hereinbefore provided.

(6) All objectors shall be made and the facts and objectors' signatures verified by accompanying statutory declaration, in the following form:

#### PROPRIETORS' DECLARATION OF OBJECTION

To the Honourable the Minister of Agriculture, Regina, Saskatchewan:

We, the undersigned, proprietors within the meaning of *The Stray Animals Act*, in (*here describe the area proposed to be withdrawn from, or constituted as a portion of, the herd district*), hereby record our objection to the addition of the said area to (*or withdrawal of the said area from, as the case may be*) the herd district.

NAME	LAND OWNED OR OCCUPIED				
	Quarter	Section	Township	Range	West meridian

I, A. B., of (*post office address*) do solemnly declare:

1. That the total number of persons in the area described in the foregoing statement of objection, being proprietors within the meaning of *The Stray Animals Act*, is (*here insert the total number of persons in the proposed herd district who are proprietors within the meaning of The Stray Animals Act*);

2. That I was personally present and did see each of the (*number of persons signing the statement*) persons whose names are subscribed thereto sign the said statement;

3. That each of said (*number of persons signing the statement*) persons is a proprietor within the meaning of *The Stray Animals Act*, of land within the area described;

4. That each person signing the said statement before so doing was cognisant of the contents thereof;

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act*.

.....  
(*Signature of person making declaration.*)

Declared before me at \_\_\_\_\_ }  
this \_\_\_\_\_ day }  
of \_\_\_\_\_ 19\_\_\_\_. }

.....  
(*Signature of person administering declaration.*)

**Extension of herding period**

**12(1)** In the event of threshing being unduly delayed the minister upon being applied to may, by order published in *The Saskatchewan Gazette* and in such newspapers as he determines, declare a period during which animals may not be allowed to run at large in any part of the herd district described in such order.

(2) Any such order shall have the effect of establishing, in the area so described, the period during which a proprietor may distrain any animal under the provisions of clause (b) of section 15.

1919–20, c.47, s.12; R.S.S. 1920, c.124, s.12.

**Poundkeepers appointed**

**13(1)** The minister may appoint such poundkeepers in the district as he deems necessary, and notice of every such appointment shall be published in *The Saskatchewan Gazette* and in such newspapers as he determines and shall specify the name and post office address of each poundkeeper and the situation of each pound.

(2) All poundkeepers so appointed shall continue in office during the pleasure of the minister.

1919–20, c.47, s.13; R.S.S. 1920, c.124, s.13.

**Effect of publication of notice**

**14** The publication in *The Saskatchewan Gazette* of a notice of the appointment, or removal of a poundkeeper, or the establishment or abolition of a pound shall be evidence that such poundkeeper or pound has been legally appointed, removed, established or abolished, as the case may be.

1919–20, c.47, s.14; R.S.S. 1920, c.124, s.14.

---

## PART III

### The Distraining and Impounding of Animals

**When animals may be distrained**

**15** A proprietor may distrain any animal that is:

- (a) running at large in any municipality contrary to the provisions of this Act or of any bylaw of such municipality passed under the provisions of this Act; or
- (b) running at large in a herd district between the fifteenth day of May and the thirty-first day of October, both inclusive, in any year; or,
- (c) an estray.

1919–20, c.47, s.15; R.S.S. 1920, c.124, s.15.

**Temporary impounding**

**16(1)** The distrainer of an animal may, if he knows who is the owner, temporarily impound in a convenient and suitable place, for not more than three days, any animal distrained under the provisions of section 15.

(2) Such distrainer shall within twenty-four hours after impounding deliver to the owner a statement in writing similar to that provided for in section 17, and shall feed and maintain such animal, and may at the end of such time deliver same, if not sooner released, to the keeper of the nearest accessible pound in the rural municipality of which such distrainer is a resident or in the herd district if the distrainer resides therein.

(3) Such distrainer may make a charge for feeding and maintaining such animal, and for sending notice, not exceeding what might by law be paid to a poundkeeper, but shall be entitled to compensation only for damage done prior to the temporary impounding.

1919–20, c.47, s.16; R.S.S. 1920, c.124, s.16.

**When distrainer shall impound and how**

**17(1)** Unless the owner complies with the provisions of section 16, the distrainer shall forthwith deliver the animal distrained to the nearest accessible poundkeeper in the rural municipality of which such distrainer is a resident or in the herd district if the distrainer resides therein, who shall impound the same, and be responsible for the sustenance and safe keeping thereof while under his care.

(2) It shall be the duty of the distrainer to leave with the poundkeeper a written statement containing a description of the animal distrained, the name of the owner, if known, the place where such distraint was made, the nature and extent of the damage, if any, the amount claimed, and such fees as are provided in section 39 for impounding the same.

1919–20, c.47, s.17; R.S.S. 1920, c.124, s.17.

**Animal may be released before impounding**

**18** If the owner of a distrained animal pays or tenders to the distrainer, before the same has been actually impounded, the charges for which such animal has then become liable, the distrainer or person having charge of such animal shall forthwith deliver up the same to the owner.

1919–20, c. 47, s.18; R.S.S. 1920, c.124, s.18.

**Animal placed in authorised pound**

**19** A proprietor who impounds an animal in any pound or place not authorised by this Act, shall be guilty of an offence and liable upon summary conviction thereof to a penalty not exceeding \$20 and shall forfeit all fees and expenses connected with the impounding.

1910–20, c.47, s.19; R.S.S. 1920, c.124, s.19.

## PART IV

**Pounds and Poundkeepers****DUTIES OF POUNDKEEPERS****Pound book**

**20(1)** Every poundkeeper, whether appointed by the minister or by a council, shall keep a pound book in the form prescribed by the minister. All entries therein shall be made as soon as possible after the doing of the several things required to be entered therein, and no entry or alteration in or amendment to an entry shall be made after any dispute as to the subject matter of such entry has arisen.

(2) The said pound book and a copy of this Act, which the poundkeeper is hereby required to keep, shall at all reasonable times be open to the inspection of any justice or member of the Saskatchewan Provincial Police, free of charge and of any other person upon payment of the sum of ten cents.

(3) Every such poundkeeper shall grant extracts from his pound book to any person requiring the same, upon payment of twenty-five cents for each extract not exceeding one hundred words, and the sum of ten cents for every subsequent number of words not exceeding one hundred.

(4) Every poundkeeper shall on his removal from office or on the acceptance of his resignation deliver such pound book to the person who is appointed to receive it.

1919–20, c.47, s.20; R.S.S. 1920, c.124, s.20.

**Case of pounds**

**21(1)** Every poundkeeper shall at his own cost keep the pound to which he is appointed clean, and in good repair, and shall supply the animals impounded therein with sufficient and wholesome sustenance, and provide for them such shelter as is commonly provided at the time for animals of similar age and class in the vicinity, and may send such animals out of his pound at fit times, and to fit places for grazing and watering.

(2) In no case shall a barbed wire corral be deemed to be a suitable pound unless such corral contains an area of at least twenty acres.

(3) Any corral or inclosure, other than a building, used as a pound shall be surrounded by a lawful fence as defined in section 50.

1919–20, c.47, s.21; R.S.S. 1920, c.124, s.21.

**Returns**

**22** Every poundkeeper shall make to the minister such return relating to the impounding of animals in his pound as may from time to time be required by him.

1919–20, c.47, s.22; R.S.S. 1920, c.124, s.22.



## NOTICE OF IMPOUNDING

**Notice given by poundkeeper**

**26(1)** If the owner of an impounded animal is known to the poundkeeper, the latter shall forthwith deliver or cause to be delivered to or at the place or residence of such owner a notice in the following form:

To (*name of owner or, if the owner is not known, The King's Printer*).

Notice is hereby given under section 26 of *The Stray Animals Act* that the following described animal was on this day impounded in the pound kept by the undersigned on  $\frac{1}{4}$  Sec. \_\_\_\_\_ Tp. \_\_\_\_\_ Rge. \_\_\_\_\_ W. \_\_\_\_\_ meridian \_\_\_\_\_ Post office.

DESCRIPTION	
Class of animals and age	
Sex and colour	
Brief general description	
Marks and brands, if any	
Probable weight, etc.	

.....  
*Signature of Poundkeeper*

and such poundkeeper shall be entitled to receive such mileage rates for so doing as are provided therefor in section 39.

(2) If the place of residence of the owner or his servant is situated more than ten miles from the pound or is not readily accessible for any reason the notice may be sent by post by registered mail to the address of the owner.

1919–20, c.47, s.20; R.S.S. 1920, c.124, s.26.

**Notice where owner unknown**

**27(1)** In case such owner is not known or shall not within ten days after the posting or three days after the delivery of such notice appear at the pound and release the animal so impounded, by the payment of the lawful fees, mileage rates and claim for damages, the poundkeeper shall forward to the King's Printer for insertion in *The Saskatchewan Gazette* a notice in the form prescribed in subsection (1) of section 26, along with a fee of \$2 for each animal impounded:

Provided that the fees payable to the King's Printer in connection with each impoundment shall not exceed \$5.

(2) A poundkeeper appointed by a municipality shall also under like circumstances transmit a copy of such notice to the secretary treasurer of the municipality who shall post the same up in his office.

1919–20, c.47, s.27; R.S.S. 1920, c.124, s.27.

**Notices posted at pound**

**28** Every poundkeeper shall in addition post a copy of every such notice in a conspicuous place at his pound, and at the nearest post office, and shall keep and maintain such notices during the whole of the time such animal is in his custody.

1919–20, c.47, s.28; R.S.S. 1920, c.124, s.28.

**SALE OF IMPOUNDED ANIMALS****When animal may be sold**

**29(1)** Any animal not released from the pound within twenty days after notice has been inserted in *The Saskatchewan Gazette*, as in section 27 mentioned, shall be sold by public auction after notice of sale has been posted for eight days in three conspicuous places within the herd district or rural municipality, as the case may be, one of which places shall be the post office nearest the pound.

(2) The poundkeeper shall be the auctioneer at such sale which shall be held at the pound, and shall commence at the hour of two o'clock in the afternoon.

(3) It shall not be lawful for a poundkeeper or his agent to purchase or have any interest in the purchase of any animal at such sale.

1919–20, c.47, s.29; R.S.S. 1920, c.124, s.29.

**When animal may not be sold**

**30(1)** If more animals than one are impounded on any distress the poundkeeper, if aware of the owner, shall sell such of said animals only as are necessary to realise sufficient to satisfy the claims for damages, expenses and fees chargeable against the same and the owner shall be entitled to those remaining unsold.

(2) If the owner is unknown the poundkeeper shall sell all the animals impounded.

(3) The poundkeeper shall immediately after such sale send to the department, or to the treasurer of the municipality, as the case may be, a description of the animal or animals sold, the date of sale, a statement of the amount realised and the disposition thereof.

(4) If the proceeds from the sale or attempted sale of impounded stock are less than the costs of sale the fees authorised by this Act and the damages claimed by the impounder, the difference may be collected by distress from the owner of the stock, if known, upon the order of the treasurer or the minister, as the case may be.

(5) If no bidders are present within two hours from the time advertised for the holding of a poundkeeper's sale any impounded animal advertised to be sold at such sale shall become the property of the municipality upon the order of a justice to whom application may be made by the treasurer.

(6) The justice before issuing such order shall ascertain that the sale was regularly held and that the animals are correctly described and advertised in accordance with the provisions of this Act and for so doing he shall be entitled to payment of a fee of \$2.50 by the municipality.

1919–20, c.47, s.30; R.S.S. 1920, c.124, s.30.



## STRAY ANIMALS

c. 124

**Poundkeeper need not be licensed as auctioneer**

**31** A poundkeeper making a sale under the provisions of this Act, shall not be liable to prosecution or to any penalty, for selling without a license as an auctioneer.

1919-20, c.47, s.31; R.S.S. 1920, c.124, s.31.

## PROCEEDS OF SALE

**Disposal of proceeds of sale**

**32** The proceeds of the sale of an impounded animal sold under the provisions of this Act, shall be applied in payment:

- (a) of any costs and charges attending such sale;
- (b) of all sustenance fees;
- (c) of the amount due to the distrainor for capturing and distraining and for the damage done;

and the residue, if any, shall be paid to the owner of such animal or (if not claimed at the time of sale by any person entitled thereto) to the minister, or to the treasurer of the municipality, as the case may be.

1919-20, c. 47, s.32; R.S.S. 1920, c.124, s.32.

**Owner claims net proceeds**

**33** Money paid to the minister, or to the treasurer, under the provisions of section 32 shall be paid over to the owner of the animal sold, upon the furnishing of evidence of ownership, satisfactory to the minister or to the council, as the case may be, and upon application therefor to the minister or treasurer within twelve months from the date of the sale; otherwise such money shall fall into, and form part of, the consolidated fund of the province or the funds of the municipality, as the case may be.

1919-20, c.47, s.33; R.S.S. 1920, c.124, s.33.

## COMPLAINTS OF OWNER

**Action taken by owner**

**34(1)** The owner of an impounded animal may give notice in writing to the poundkeeper that he intends to complain to a justice against the person impounding such animal; and upon receipt of such notice and on deposit with the poundkeeper of the amount claimed for damages, together with the pound and other authorised fees and charges, the poundkeeper shall release such animal, and shall retain such amount subject to the order of the justice as hereinafter provided.

(2) Such complaint may be upon one or both of the following grounds:

- (a) that the impounding was illegal;
- (b) that the damages claimed are excessive.

(3) A justice shall not inquire into any such complaint unless notice thereof has been given, as required by this section.

1919-20, c.4, s.34; R.S.S. 1920, c.124, s.34.

**Hearings of complaints**

**35(1)** Within ten days after giving the notice in section 34 mentioned the owner may lodge his complaint with a justice who thereupon shall institute the like proceedings as are authorised under Part XV of *The Criminal Code* for justices making orders for the payment of money; and upon hearing the complaint the justice may determine the matter of such complaint.

**Animal illegally impounded**

(2) If the justice adjudges that the animal was illegally impounded he shall order that the animal, if not already released, be restored to the owner, or, if released, that the money deposited with the poundkeeper be repaid, and in either event shall order the distrainer to pay the costs of the proceedings and all fees to which the poundkeeper is lawfully entitled.

**Excess damages**

(3) If the justice finds on a complaint laid under clause (b) of subsection (2) of section 34, that the amount of damages sustained by the distrainer is less than the amount claimed he shall order the excess and the owner's costs of the proceedings to be paid to the owner by the poundkeeper out of the money paid in by the owner or to be paid by the distrainer in so far as the amount paid in by the owner is insufficient.

**Order for payment**

(4) If the justice adjudges that the animal impounded was legally impounded, or that the amount of damages sustained was not less than the amount claimed, he shall make an order for the payment forthwith of the amount claimed by the distrainer, and all pound and other authorized fees together with the costs of the proceedings; and in default of such payment the animal impounded shall be seized by the poundkeeper and sold and the proceeds applied as directed by this Act.

1919-20, c.47, s.35; R.S.S. 1920, c.124, s.35.

## OFFENCES AND PENALTIES

**Offences**

**36** A poundkeeper who:

**Illegal impounding**

(a) impounds or assists or incites or employs any person to impound any animal unless such animal was trespassing on the poundkeeper's own property; or,

**Purchasing impounded animals**

(b) purchases in person or by his agent or has any interest of any kind in any animal sold by auction at a pound of which he is at the time of sale the poundkeeper; or,

**Making unauthorised charges**

(c) demands or receives any sum for pound notices, sustenance and other fees and charges not authorised by this Act; or,

**Neglecting care for impounded animals**

(d) neglects to provide sustenance and proper shelter as provided for in section 21 for any animal, or works or uses the same in any manner while so impounded; or,

**Not keeping books**

- (e) omits or neglects to keep books and to make entries therein as required by this Act or makes any incorrect or untrue entry in such books; or,

**Impounding healthy with diseased animals**

- (f) knowingly allows any animal affected with any contagious or infectious disease to be in the same inclosure with any impounded animal not so affected; or,

**Not giving proper notice**

- (g) fails to give any notice required by this Act; or

**Causing damage by neglect**

- (h) does anything prohibited by this Act or neglects to do anything required by this Act to be done, whereby damage is incurred by any person;

**Penalties**

shall, in addition to any civil liability which he may incur by reason thereof, be guilty of an offence and liable on summary conviction to a penalty not exceeding \$100:

Provided that no poundkeeper shall be liable for any penalty for milking or allowing to be milked any cow while such cow is impounded.

1919–20, c.47, s.36; R.S.S. 1920, c.124, s.36.

**Burden of proof on poundkeeper**

**37(1)** When a poundkeeper is charged with neglecting to provide sustenance or proper shelter for an animal impounded the burden of proving that proper sustenance or shelter was provided for such animal shall be on the poundkeeper.

(2) When a poundkeeper is charged with losing an impounded animal through negligence, if it is proved or admitted that such animal was impounded in the custody of such poundkeeper, it shall be deemed to have been lost through his negligence unless such poundkeeper proves the contrary.

(3) If the poundkeeper proves to the satisfaction of a justice that an animal lost from the pound was not lost through his negligence and that the animal is back in the possession of the owner, the owner of the animal shall be deemed to be responsible for its release from the pound and liable for all fees and damages claimed against the impounded animal, and such fees and damages may be collected by distress from the owner upon an order of the justice.

1919–20, c.47, s.37; R.S.S. 1920, c.124, s.37.

**Offences**

**38** A person who:

**Destruction of pound**

- (a) destroys or injures or attempts to destroy or injure a pound; or,

**Illegal impounding**

- (b) illegally impounds an animal; or

**Causing animal to trespass**

- (c) drives an animal upon any cultivated land or to any stack or stook of grain or stack or coil of hay:

shall be guilty of an offence and liable upon summary conviction thereof to a penalty not exceeding \$100.

1919–20, c.47, s.38; R.S.S. 1920, c.124, s.38.

## FEES

**Authorised fees**

**39(1)** The following and no others shall be the fees authorised by this Act in connection with animals impounded within a municipality or the herd district:

**Capturing stallion or bull**

1. To the person capturing and impounding any stallion over one year old or any bull over eight months old a fee of \$10;

*To the Proprietors.*

**Capturing an animal**

2. For capturing and impounding any other animal, fifty cents for each such animal, but not more than \$5 for one impoundment;

**Damages**

3. For any damage done by any animal an amount not to exceed that mentioned in the statement of claim delivered to the owner or poundkeeper with the animal when impounded;

**Giving notice or for temporary impounding**

4. For notifying the owner or for every day any animal is lawfully detained before being placed in pound such fees for making such notification and for the sustenance of such animal as a poundkeeper is authorised to charge for like services;

*To the Poundkeepers*

**Receiving and impounding**

5. For receiving and impounding, the sum of fifty cents for each animal, but not more than \$2.50 for one impoundment;

**Sustenance of impounded animals**

6. To provide for the care and sustenance of each animal for each day such animal is in a pound, such sums as are prescribed by the minister under subsection (2);

**Notice to owners**

7. For notifying by mail owner of animal impounded, ten cents;

**Notice to King's Printer**

8. For forwarding notification to the King's Printer for insertion in *The Saskatchewan Gazette*, ten cents;

**Notices posted**

9. For posting notices of animals impounded, each notice to include all animals impounded at one distress or seizure, \$1;

**Notice of sale**

10. For posting notices of sale, each notice to include all animals impounded at one distress or seizure, \$1;

**Mileage**

11. For each mile necessarily travelled in the performance of his duties, ten cents;

**Sale charges**

12. For selling impounded animals and applying the proceeds as directed by this Act, \$2.50 per centum commission upon the amount realised;

**Reimbursement**

13. For reimbursement of amount forwarded to the King's Printer with notice for publication, the sum so forwarded.

**Minister may rescribe fees**

(2) The minister may from time to time by order published in *The Saskatchewan Gazette* prescribe the fees which may be collected by the poundkeeper for the care and sustenance of impounded animals.

**Liability of council**

(3) Where the price received for the animal or animals sold is less than the poundkeeper's fees the council shall make up the difference, unless the difference is collected from the owner of the animals sold.

1919–20, c.47, s.39; R.S.S. 1920, c.124, s.39.

---

## PART V

### Disposal of Other Estray Animals

**Application of Part V**

**40** The provisions of Part V of this Act shall apply:

- (a) to unorganised portions of the province not included within the herd district;
- (b) to the herd district and to organised portions of the province in the event of a pound for any reason not being accessible or available.

1919–20, c.47, c.40; R.S.S. 1920, c.124, s.40.

## PROCEDURE

**Where owner is known**

**41** A person who has on his premises, or in his band, herd or flock an estray, which cannot be driven away, the owner being known to him, shall at once notify such owner thereof by registered letter and such owner shall within ten days from the date of mailing the letter remove his animal from such premises, hand, herd or flock.

1919–20, c.47, s.41; R.S.S. 1920, c.124, s.41.

**Where owner is not known or does not remove animal**

**42(1)** A person who has on his premises, or in his band, herd or flock an estray, which cannot be driven away, the owner being unknown to him, or an animal which has not been removed within ten days after notification as provided in section 41 shall at once forward to the King's Printer a notice to the effect that such animal is on his premises, or in his band, herd or flock, as the case may be, which notice shall contain the name, place of abode and post office address of the finder and a full description of the animal with all its marks (natural and artificial), colour, and probable age, and any information which may lead to its identification.

(2) Such notice shall be published in *The Saskatchewan Gazette* and the fee therefor shall be that provided in section 27.

(3) In addition to notice in *The Saskatchewan Gazette* the finder may cause a copy of the notice to be inserted in two successive weekly issues of the nearest newspaper, the cost of which (not exceeding the sum of \$1) shall be reimbursed by the owner when the animal is claimed, or by the justice after the sale of the animal upon proof of such expenditure has been made, as the case may be.

(4) The finder shall provide an estray with sustenance, while on his premises, and with such shelter as is provided for his own animals of similar age and class.

1919–20, c.47, s.42; R.S.S. 1920, c.124, s.42.

**Owner may recover animal on tender of expenses**

43(1) The owner of an estray shall be entitled to recover it from the person in whose possession it is, upon tender of the amount of the expenses incurred by such person to the time of such tender from the date on which the notice of the finding of the animal was given, together payment for any damage done by such animal.

(2) Such expenses shall consist of the sums prescribed by section 48 and no other; and if it is made to appear in any proceedings taken for the recovery of an estray that tender was made by the owner of the amount of the expenses, and damages, if any, to which the said finder is lawfully entitled and refused by the finder he shall in addition to any penalty to which he may be liable forfeit all right to such expenses.

(3) Before delivering an animal to a person claiming ownership the finder may require from him a statutory declaration of ownership in the form contained in section 25.

1919–20, c.47, s.43; R.S.S. 1920, c.124, s.43.

**Settlement of disputes as to expenses**

44(1) In case the owner and the finder of an animal are unable to agree as to the amount of expenses or damages a justice may upon the complaint under oath of either party, summon the party complained against to appear before him at a reasonable time stated in the summons.

(2) At the time stated the justice shall inquire into the matter, whether the person complained against appears or not, and shall determine the amount of the expenses or damages, if any, payable, and the time of payment, and such determination shall be final and conclusive between the parties.

(3) The justice shall be entitled to a fee of \$3 for determining such expenses, and damages, if any, which fee shall be paid by the party against whose contention the justice determines.

(4) In default of payment of the expenses, damages, if any, and the justice shall for at least eight days prior to the sale of such animal cause notice of the sale to be posted in the nearest post office, and in at least two other conspicuous places in the locality.

(5) On the date fixed by him the justice shall cause such animal to be sold by public auction by a person authorised by him in writing, and out of the proceeds of sale shall pay the expenses of sale, advertising, his own fees, and the finder's or captor's lawful charges, and hand over the balance to the owner.

1919–20, c.47, s.44; R.S.S. 1920, c.124, s.44.

**When animal may be sold**

**45(1)** The finder of estray not claimed within twenty days after the publication of the notice provided for in section 43 shall forthwith make application for sale, verified under oath, to a justice who may proceed to sell the animal in the matter provided by section 44. The following form of application shall be used:

To A. B., a justice of the peace in and for Saskatchewan:

The applicant declares that on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ (*naming the date of capture*) be found (*describe animal found*) on his premises (*or in his band, herd or flock, as the case may be*);

That such animal is a stallion or bull unlawfully running at large, or that he is unable to drive such animal (*if other than a stallion or bull*) away from his premises or band, (*herd or flock, as the case may be*)

That he has given the notices required by section 42 of Part V of *The Stray Animals Act*;

That the notice was published in *The Saskatchewan Gazette* dated (*date of issue of gazette containing notice*);

That twenty days have elapsed since the publication of the notice without payment to the applicant of the moneys he is entitled to for release of the animal under the provisions of the said Act.

The applicant therefore prays that the said animal may be sold at a time not earlier than the eighth day after the date of this notice.

.....  
*Signature of finder.*

I, (*name of finder*) the applicant above named, make oath and say that the facts set forth in the above application are true in substance and in fact.

.....  
*Signature of finder.*

Sworn before me at \_\_\_\_\_  
this \_\_\_\_\_ day  
of \_\_\_\_\_ 19\_\_\_\_. }

A. B.,  
J. P.

(2) Before proceeding with the sale the justice shall examine the animal and the brands thereon, if any, and the gazette notice provided for by section 42, and if satisfied that such notice contains an accurate and sufficient description of the animal shall proceed to sell the same.

(3) If not so satisfied the justice shall direct the finder to insert in *The Saskatchewan Gazette* a notice containing an accurate and sufficient description of the animal as required by section 42, and the finder shall not be entitled to compensation for anything done prior to the mailing of the gazette of the last mentioned notice.

(4) On the date fixed by him the justice shall cause such animal to be sold by public auction by a person authorised by him in writing, and out of the proceeds of sale shall pay the expenses of sale, advertising, his own fees, and the finder's or captor's lawful charges, and hand over the balance to the minister, if the finder resides in an unorganised area, or to the treasurer, if the finder resides in a municipality.

(5) The justice shall immediately after the sale send to the minister or to the treasurer, as the case may be, a return in the following form:

RETURN OF ANIMAL SOLD UNDER PART V  
OF THE STRAY ANIMALS ACT

INFORMATION REQUIRED	DETAILS FURNISHED BY JUSTICE
Class of animal .....	
General description and brands (if any).....	
Name and address of finder .....	
Date of capture .....	
Date of gazettes containing notices .....	
Date of sale .....	
Number of days' keep .....	
Total amount realised.....	\$
Commission on sale .....	\$
Justice's fees, including mileage .....	\$
Keep.....	\$
Number of miles to sale.....	\$
Mileage of finder or captor at ten cents per mile.....	\$
Advertising.....	\$
Postage and exchange .....	\$
Amount, if any, paid as damages .....	\$
Amount sent to minister or secretary treasurer.....	\$

Date .....

.....*J. P.*

.....*Post Office.*

(6) The finder of an animal shall on request by the minister furnish him with such information as he requires in regard to such animal and the disposal of the same.

1919-20, c.47, s.45; R.S.S. 1920, c.124, s.45.

**Payment of proceeds**

**46(1)** All moneys paid to the minister or the treasurer under section 45 shall be paid over to the owner of the animal sold provided he shall furnish satisfactory evidence of ownership along with the application.



## STRAY ANIMALS

c. 124

(2) If not claimed within twelve months next following the date of the sale such moneys shall fall into and form part of the consolidated fund of the province, or the funds of the municipality, as the case may be.

1919–20, c.47, s.46; R.S.S. 1920, c.124, s.46.

**Finder attends sale with animal**

**47** At the time and place appointed for the sale of an estray, the finder shall attend with such animal, and shall deliver to the justice, or person authorised to conduct the sale, a statement of the fees and expenses incurred in connection with, and the amount of the damages done by, such animal.

1919–20, c.47, s.47; R.S.S. 1920, c.124, s.47.

## FEES

**Authorised fees**

**48(1)** The following and no others shall be the fees payable under Part V of this Act for the capture of an estray, such fees to be calculated from the date of mailing notice to the owner or to *The Saskatchewan Gazette* as provided for in sections 41 and 42

*To the Finder.*

For capturing any stallion over one year old, or any bull over eight months old \$10;

For advertising in a newspaper, the amount actually expended, not exceeding \$1;

For mileage to and from the place of sale, ten cents per mile for each mile necessarily travelled, but not exceeding \$3;

For postage the amount actually and necessarily expended.

*To the Justice.*

For preparing and posting notices of sale, \$1;

For preparing application and administering oath, \$1;

For mileage to and from the place of sale, ten cents per mile for each mile necessarily travelled, but not exceeding \$3;

For postage and exchange or commission on transmission of proceeds of sale, the amount actually expended;

Two and one-half per centum of the amount realised by the sale.

(2) The minister may from time to time by order published in *The Saskatchewan Gazette* prescribe the fees which may be collected by the finder of an estray to pay for its care and sustenance.

1919–20, c.47, s.48; R.S.S. 1920, c.124, s.48.

## OFFENCES AND PENALTIES

**Penalty offences**

**49(1)** A person who:

- (a) subject to the provisions of subsection (2) causes or allows any horse or head of cattle belonging to another party, without the consent of such party, to be driven with his band or herd more than two miles from its grazing place; or
- (b) demands any sum for keep of any animal or any fee or charge not authorised by this Act; or
- (c) neglects to provide sustenance and shelter as provided for in subsection (4) of section 42 for an estray while such animal is to his knowledge upon his premises or in his band, herd or flock; or
- (d) rescues, incites or attempts to rescue any animal without payment of the fees due for keep and other expenses incurred by the finder on account of such animal; or
- (e) rides, drives or otherwise works or uses for his own pleasure or benefit a horse or ox captured or detained under any of the provisions of Part V; or
- (f) being the finder of an estray neglects to comply with the provisions of sections 42 and 43, or, in sending the notice to the King's Printer provided for in section 42, neglects to give the location on the animal of the brand or brands, if any, or neglects to furnish as accurate a description of the brand or brands, if any, as is possible; or
- (g) being the finder purchases in person or by his agent or has any interest of any kind in any animals sold under the provisions of this Act;

shall be guilty of an offence and liable on summary conviction thereof to a penalty not exceeding \$100.

(2) If the owner of an animal in taking it from pasture finds it necessary to drive other animals a greater distance than two miles before he can separate his own animal from among them he shall not be liable to the penalties imposed by this section, if he at once drives back such animals to the place from which he drove them.

(3) The owner of an estray who neglects to remove the same from premises where it has been found within ten days after the date of mailing of the registered notice provided for in section 41 shall be liable upon summary conviction to a penalty not exceeding \$1 per head for each day during which such neglect continues after the expiration of the said ten days.

## PART VI

**Lawful Fences and Trespass****Lawful fence defined**

**50(1)** A substantial fence not less than three and one-half feet in height above the level of the ground, or of any sand, straw or other material that has been placed or has drifted beside such fence shall be deemed a lawful fence if it consists:

- (a) of woven wire secured to posts not more than thirty-three feet apart; or,
- (b) of not less than four barbed wires on posts not more than thirty-three feet apart, the wires being fastened to droppers not more than seven feet six inches apart; or,
- (c) of three or more barbed wires on posts not more than sixteen and a half feet apart, the wires to be not more than fourteen, thirty and forty-eight inches from the ground respectively; or,
- (d) of rails, boards, or slabs not less than five in number, the lowest one not more than twelve inches from the ground securely nailed, tied or otherwise fastened to posts not more than sixteen and a half feet apart, and of one barbed wire at or near the top.

(2) A fence which does not comply with the requirements of this section shall not be deemed a lawful fence.

1919–20, c.47, s.50; R.S.S. 1920, c.124, s.50.

**Fences around crops**

**51** A fence surrounding crops growing or in process of being harvested shall not be deemed a lawful fence unless it is situated at least eight feet from such crop.

1919–20, c.47, s.51; R.S.S. 1920, c.124, s.51.

**Fences around stacks**

**52** A fence surrounding stacks of hay or grain shall not be deemed a lawful fence unless it is situated at least twenty feet from such stacks.

1919–20, c.47, s.62; R.S.S. 1920, c.124, s.52.

**Owner to compensate proprietor**

**53(1)** The owner of an animal which breaks into or enters upon land inclosed by a lawful fence, shall compensate the proprietor for any damage done by it.

(2) If such trespass occurs within access to a pound the proprietor shall proceed as set forth in sections 15 to 19 whether such animal is lawfully running at large or not.

(3) If no pound is accessible from the place where such trespass occurs the proprietor shall proceed as set forth in sections 40 to 49 whether such animal is an estray or not.

1919–20, c.47, s.53; R.S.S. 1920, c.124, s.53.

**Absence of lawful fence**

**54** No action for damages to property caused by an animal while lawfully running at large shall be maintained, nor shall animals while lawfully running at large be liable to be distrained for causing damage to property, unless such property is surrounded by a lawful fence.

1919–20, c.47, s.54; R.S.S. 1920, c.124, s.54.

## PART VII

## General

## STALLIONS AND BULLS

**When stallion or bull is estray**

**55(1)** No stallion over one year old and no bull over eight months old shall be allowed to run at large.

(2) The owner of any such stallion or bull running at large shall on summary conviction be liable to a penalty not exceeding \$25 for each offence notwithstanding any action which may have been taken by the owner or by any other person for the control, capture, impoundment or disposal of such animal.

(3) Any such stallion or bull found running at large may be impounded by any person, or, if within territory to which the provisions of Part V apply at the time, shall be regarded as an estray and may be captured and disposed of accordingly.

1919-20, c.47, s.55; R.S.S. 1920, c.124, s.55.

## INFECTED HERDS

**Blackleg**

**56(1)** No animal forming part of a herd in which any animal has died of, or is suffering from blackleg shall be permitted while the said disease is present in such herd or for thirty days after its apparent disappearance, to run at large, or with any public herd.

(2) The owner of an animal which has died of blackleg or other infectious or contagious disease shall forthwith cause the carcass thereof to be burned or buried under a covering of at least three feet of earth.

(3) The skin shall not be taken off an animal which has died of blackleg or other infectious or contagious disease.

(4) Any person violating any of the provisions of this section shall be guilty of an offence and liable to a penalty of not less than \$50 nor more than \$200.

1919-20, c.47, s.56; R.S.S. 1920, c.124, s.56.

**Lumpjaw**

**57(1)** No animal suffering from lump jaw (actinomycosis) shall be permitted to run at large or with any public herd.

(2) Any person violating the provisions of this section shall be guilty of an offence and liable to a penalty of not less than \$10 nor more than \$100.

1919-20, c.47, s.57; R.S.S. 1920, c.124, s.57.